

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-18 are currently pending. Claims 1, 7 and 13 are independent and hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification, specifically on pages 14-16. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,799,081 to Kim et al. (hereinafter, merely "Kim") in view of U.S. Patent No. 6,601,074 to Liebenow (hereinafter, merely "Liebenow").

Claim 1 recites, *inter alia*:

"A receiving system...

control means for, when a recording input is given,

determining whether or not a program being received is copy protected on the basis of Entitlement Control Message (ECM) data and Entitlement Management Message (EMM) data,

setting said external recording device to a recording state if said program is initially found not copy protected,

disabling control of said external recording device if said program is found copy protected before recording said received program onto said external recording device,

wherein said control means performs a stop input control function corresponding to a selected state upon the instance the recording input is given;

whereby said external recording device is prevented from recording received copy protected programs, and

determining means for determining if said program is recordable based on said Entitlement Control Message (ECM) data and said Entitlement Management Message (EMM) data,

wherein said Entitlement Control Message (ECM) data and said Entitlement Management Message (EMM) data and descramble key data are simultaneously supplied to a descrambler.” (emphasis added)

As understood by Applicants, Kim relates to an illegal view/copy protection method for a digital broadcasting system including an audio/video signal transmission step for multiplexing and transmitting audio/video bit streams. Illegal view/copy protection is supplied via digital media and protected by copyright are prohibited from being illegally recorded or copied using a digital recording medium by a user.

As understood by Applicants, Liebenow relates to a method, system, signal and software which maintain an electronic program guide (EPG) that includes episode identifiers associated with program information. Information in a database is used to specify programs or actions associated with specified programs. These programs may include recording a program that has not been previously recorded, or re-recording a program of lesser recording quality or reproduction quality if a better quality recording can be made.

Applicants respectfully submit that Kim and Liebenow, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a receiving device comprising control means for, when a recording input is given, wherein said control means performs a stop input control function corresponding to a selected state upon the instance the recording input is given, recited in claim 1.

Applicants respectfully submit that Kim and Liebenow, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a receiving device wherein said Entitlement Control Message (ECM) data and said Entitlement Management Message (EMM) data and descramble key data are simultaneously supplied to a descrambler, recited in claim 1.

Indeed, Applicants submit that EMM transmitted at the data rate of 200 Kbps and ECM transmitted at a speed of 10 kbps per second where EMM has information required to make a control word for descrambling from ECM information is completely different than EMM data, ECM data and descramble key data simultaneously supplied to a descrambler.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 7 and 13 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 7 and 13 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent

claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
William S. Frommer
Reg. No. 25,506
(212) 588-0800